

OREGON WATER RESOURCES DEPARTMENT



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS

November 29, 2011

*This notice is also available on our web page at the following address:
http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21*

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

- * **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**
Applications for permits to use, store, divert or pump surface water or groundwater. Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- * **Applications for Extensions of Time to Perfect Water Right Permits**
New applications received and proposed final orders regarding requests to extend time limits to fully develop water use projects and beneficially apply water.
- * **Application for Instream Lease**
Application by water right holder to lease existing water rights to instream use.
- * **Transfer Applications: Regular**
Requests to change point of diversion or appropriation, place of use, or character of use upon which the public may comment. The changes may be proposed in an application for a transfer (including instream or historic POD), an exchange, or a substitution.
- * **Transfer Preliminary Determinations**
Requests to change point of diversion or appropriation, place of use, and character of use upon which the public may protest the application and Department's preliminary determination.
- * **Notice of Proposed Order on the Potential for Cumulative Impacts of the C-Drop Hydroelectric Project**

The Public Notice is published each week on the Department's web site at <http://www.wrd.state.or.us/>. If you would like to receive a *free* weekly notification when it is published, please send your request to "Kim.R.French-Gorski@wrd.state.or.us".

Permit Application Initial Reviews and Proposed Final Orders

The following pages of this notice list permit applications that the Oregon Water Resources Department is evaluating for compliance with state water laws and regulations. Public participation and comment is encouraged. Opportunities for public involvement vary according to the stage of the permit evaluation.

Ground water permit applications in the Deschutes Basin (basin 5) may seek to provide mitigation pursuant to the Deschutes Ground Water Mitigation Rules by implementing a mitigation project or by obtaining mitigation credits made available by a completed mitigation project. Surface water and/or reservoir permit applications in the Deschutes Basin may be proposed ground water mitigation projects.

Initial Review Stage (IR in the "Stage" column of the permit listing)

The Department has given the applicant the results of an initial review of water use restrictions, water availability and other limits that affect the agency's decision on whether to issue a permit. The applicant has asked the agency to proceed to the next stage of evaluation. The Department welcomes comments from interested persons, agencies and organizations on the proposed water use.

The comment deadline for initial reviews appearing in this public notice is 5pm, Thursday, December 29, 2011. Although we cannot respond individually to all comments, each will be considered as the agency makes its permit decision.

Proposed Final Order Stage (PFO in the "Stage" column of the permit listing)

The proposed final order is the Department's preliminary decision on the water use request. It will indicate how the comments received on the application in the first stage were considered. The PFO documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use. Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$20. (Any person paying \$20 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem Office or at the district watermaster office nearest the proposed use. Those disagreeing with the Department's decision as expressed in the PFO have 45 days to file a protest.

The protest deadline for proposed final orders appearing in this public notice is 5pm, Friday, January 13, 2012.

The protest filing fee is \$300 for the applicants and \$600 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$150 to retain the ability to participate in future proceedings relating to an application. Before participation is allowed, an additional \$300 will be required at the time of the proceeding.

If a protest or comment deadline falls on a day that the office is closed then the next open business day automatically becomes the deadline date. In addition to the usual state or federal office closures, the Oregon Water Resources Department headquarters office will be closed on the following Fridays: October 16, 2009; November 27, 2009; March 19, 2010; April 16, 2010; June 18, 2010; August 20, 2010; September 17, 2010; November 26, 2010; March 18, 2011; and May 20, 2011.

How to Read the Listing

Applications on the next page are sorted by application number in the following format:

| App# | Basin | Source | Township/Range | County | Priority | Quantity | Stage | Status |
|---------|-----------------------|-----------------|-----------------------|--------|------------|----------|-------|--------|
| G-15693 | DOE, JOHN PO BOX 123 | EUGENE OR 97123 | 16.00S 03.00W 19 NESW | Lane | 01/29/2002 | 0.3700 C | IR | 3 |
| | 02 A WELL > SPRING CR | | | | | | | |
| | Uses: IR | | | | | | | |

FIRST LINE:

- * Application number:
 - G: groundwater
 - R: reservoir
 - S: surface water
 - I: instream
- * Applicant name & address
- * Stage of review:
 - IR: Initial Review
 - PFO: Proposed Final Order
- * Decision status codes
 - 1: permit may be issued as requested
 - 2: permit may be issued with conditions
 - 3: permit unlikely to be issued

SECOND LINE:

- * Basin number (see map below right)
 - * Source > what it flows into
 - (in the case of wells, this describes the basin in which the well is located)
 - * General legal description
 - * County & Priority date
 - * Amount
 - * Unit of measure:
 - C: cubic feet per second
 - G: gallons per minute
 - A: acre-feet
- THIRD LINE:**
- * Type of use (see abbreviations below)

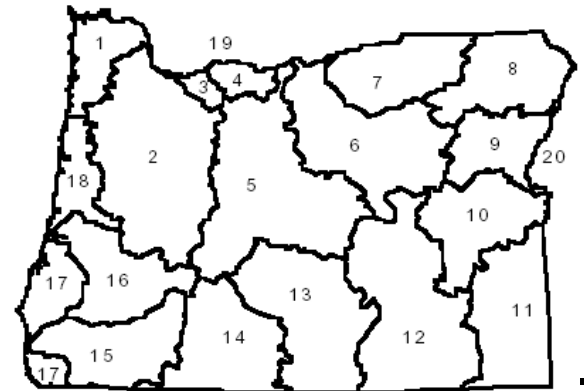
BASINS:

- | | |
|-----------------|---------------------|
| 1. North Coast | 11. Owyhee |
| 2. Willamette | 12. Malheur L. |
| 3. Sandy | 13. Goose/Summer L. |
| 4. Hood | 14. Klamath |
| 5. Deschutes | 15. Rogue |
| 6. John Day | 16. Umpqua |
| 7. Umatilla | 17. S. Coast |
| 8. Grande Ronde | 18. Mid-Coast |
| 9. Powder | 19. Columbia |
| 10. Malheur | 20. Snake |

of Use” abbreviations (for definitions, consult Oregon Administrative Rules 690-300):

| | | |
|---|--|-------------------------|
| AG: Agriculture | GR: Groundwater recharge | MU: Municipal |
| CF,CH,CL, CR: Cranberry uses | GT: Geothermal | NU: Nursery use |
| CM: Commercial | IC: Irrigation, primary & supplemental | PA: Pollution abatement |
| CS: Campground | ID: Irrigation with domestic | PW: Power |
| DI, DN: Domestic including non-commercial lawn & garden | IL: Irrigation with livestock | QM: Quasi-municipal |
| DO: Domestic | IM: Industrial or manufacturing | RC: Recreation |
| DS: Domestic & stock | IR: Irrigation | RW: Road construction |
| FI: Fish | IS: Irrigation, supplemental | ST: Storage |
| FP: Fire protection | LV: Livestock | SW: Swimming |
| FW: Fish & wildlife | LW: Livestock & wildlife | TC: Temperature control |
| GD: Group domestic | MI: Mining | WI: Wildlife |

Commonly used “Type



| App# | Basin Source | Township/Range | County | Priority | Quantity | Stage | Status |
|-------------------------|--|--|-----------|------------|-------------|-------|--------|
| R-87643 | CPM DEVELOPMENT CORP RIVER-BEND SAND AND GRAVEL PO BOX 12095 | SALEM, OR 97309 | | | | | IR 2 |
| 2 | A WELL > MILL CREEK | 8.00S 2.00W 33 SESW | Marion | 07/21/2010 | 2.68A | | |
| 2 | A WELL > MILL CREEK | 8.00S 2.00W 33 SESE | Marion | 07/21/2010 | 2.68A | | |
| 2 | A WELL > MILL CREEK | 8.00S 2.00W 33 NESE | Marion | 07/21/2010 | 2.68A | | |
| 2 | A WELL > MILL CREEK | 8.00S 2.00W 33 SENE | Marion | 07/21/2010 | 2.68A | | |
| 2 | A SUMP > MILL CREEK | | Marion | 07/21/2010 | 2.68A | | |
| Uses: | ST | | | | | | |
| G-17475 | MARTIN, DOUGLAS PO BOX 201 RUFUS, OR 97050 | MARTIN, THOMSON PO BOX 201 RUFUS, OR 97050 | MART | | | | PFO 2 |
| 5 | A WELL > COLUMBIA RIVER | 2.00N 16.00E 11 NENE | Sherman | 07/07/2011 | 1.0C | | |
| Uses: | IS | | | | | | |
| G-17440 | DEMARTINI, DICK PO BOX 639 CANBY, OR 97013 | | | | | | PFO 3 |
| 2 | A WELL > BEAR CREEK | 4.00S 1.00E 29 NWSE | Clackamas | 11/27/2010 | 0.46C (est) | | |
| Uses: | IR | | | | | | |

Permit Application Final Orders

Following is a list of applications that have had final orders issued recently. If you would like a copy of any of the final orders, you may send a request with \$20.00 for each final order to the Water Rights Section, Oregon Water Resources Department, 725 Summer Street NE Ste A, Salem OR 97301. If you have any questions, please contact the Department's customer service staff by dialing 503-986-0801.

| Application | Basin | County | Priority | Company | Name | FO Date |
|-------------------------|-------|--------|------------|---------------------|------|------------|
| G-17416 | 2 | MULT | 08/23/2010 | TOYO TANSO USA INC. | | 11/21/2011 |

**Applications for Extensions of Time
to Perfect Water Right Permits filed pursuant to OAR 690-315**

Consistent with OAR 690-315-0050, the Department will accept public comment on the following extension applications until December 29, 2011. Following the comment period, the Department will prepare and issue a proposed final order. Individuals who would like a copy of the proposed final order may request copies by sending a request and \$20 (the charge required by law). Please indicate the file number. Copies of the proposed final order may be viewed at the Department and/or self copied. Individuals wishing to obtain a copy of the extension application should contact the Department by phone or in person.

Extension file information is included in the following format:

- (a) Application Number;
- (b) Permit number;
- (c) Applicant name and address;
- (d) County of application;
- (e) Common name of water source(s) listed in the permit;
- (f) Amount of water use permitted in gallons per minute (gpm), cubic feet per second (cfs) or acre feet (af) of storage;
- (g) Use allowed in the permit;
- (h) Proposed extended date of completion as requested by the extension applicant;

Application Number: G-15130
Permit Number: G-15650
TERRY, BOB
9650 SW HARDEBECK RD
GASTON, OR 97119
Yamhill County
A WELL > YAMHILL RIVER
1.11 CFS
NURSERY USE ON 49.0 ACRES
October 1, 2013

Application Number: G-15445
Permit Number: G-15906
TERRY, BOB
9650 SW HARDEBECK RD
GASTON, OR 97119
Yamhill County
THREE WELLS
THREE WELLS > PALMER CREEK
0.56 CFS
NURSERY USE ON 5.87 ACRES
October 1, 2013

Application Number: G-16124
Permit Number: G-15821
TERRY, BOB
9650 SW HARDEBECK RD
GASTON, OR 97119
Yamhill County
TWO WELLS > PALMER CREEK
0.125 CFS
NURSERY USE ON 5.0 ACRES
October 1, 2013

Application Number: G-15258
Permit Number: G-15543
TERRY, BOB
9650 SW HARDEBECK RD
GASTON, OR 97119
Yamhill County
ONE WELL > PALMER CREEK
0.674 CFS
NURSERT OPERATIONS ON 4.49 ACRES
October 1, 2013

**Proposed Final Orders Regarding
Applications for Extensions of Time for Water Right Permits**

ORS 537.230, 537.248, 537.630 and 539.010 authorize the Water Resources Department to extend time limits contained in water right permits for completing construction of water development projects and applying water to full beneficial use. Procedures for permit holders to apply for extensions and for the Department to evaluate and determine whether or not to approve extensions of time are contained in OAR 690-320-0010 for extensions filed before July 1, 2001, and in OAR 690-315-0010 for extensions filed on or after July 1, 2001.

Proposed Final Orders (PFO's) are the Department's preliminary decision on extension requests. They document the agency's decision through specific findings. Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$20. (Any person paying to receive a PFO by mail will also receive a copy of the Final Order when it is issued). PFO's may be viewed for free at the Department's Salem Office or at the appropriate district watermaster office.

Extension of Time Public Notice and Comment Procedures

Written comments on or written protests against a PFO must be submitted on or before January 13, 2012. There is no fee for submission of comments. The protest filing fee is \$300 for the applicant and \$600 for non-applicants. Detailed requirements for filing a protest will be sent with copies of the PFO.

1.) OAR-690-315

| | |
|---|------------------------------------|
| County of Use: | Columbia |
| Application File Number: | S-44624 |
| Permit Number: | S-33386 |
| Applicant: | CITY OF RAINIER LOCKARD, DARREL |
| Address: | PO BOX 100 RAINIER, OR 97048 |
| River Basin: | North Coast Basin |
| Water Source: | COLUMBIA RIVER > PACIFIC OCEAN |
| Authorized Use of Water: | MUNICIPAL USES |
| Maximum Diversion/ Appropriation Rate: | 3.1 CFS |

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 1997 to October 1, 2013; and grant an extension of time to apply water to full beneficial use from October 1, 1997 to October 1, 2013

County of Use: Clackamas
Application File Number: S-55550
Permit Number: S-43246
Applicant: CITY OF LAKE OSWEGO
KOMAREK, JOEL
Address: 380 "A" AVE
LAKE OSWEGO, OR 97034
River Basin: Willamette Basin
Water Source: WILLAMETTE RIVER > COLUMBIA RIVER
Authorized Use of Water: MUNICIPAL USES
Maximum Diversion/
Appropriation Rate: 6.0 CFS

Recommendation: The department proposes to grant an extension of time for complete construction for the water system from October 1, 2000 to October 1, 2040; and grant an extension of time to apply water to full beneficial use from October 1, 2000 to October 1, 2040

Applications for Instream Lease

ORS 537.348 authorizes a water right holder to lease their existing water right(s) to instream use for a limited time. For the term of the lease, the water right holder agrees to suspend use of water under the original right. The state is the trustee for water rights leased for instream use. OAR 690-077-0077 requires that the Department public notice the lease applications.

The deadline for submitting claims of injury to existing water rights or enlargement of the original right against a lease application is December 20, 2011. Parties to the lease, including the Department, will review any such claims before the lease is finalized. The lease files are available for viewing at the Salem office of the Water Resources Department.

County: Gilliam

Instream Lease Number: IL 1192

** Lessor **
HARPER, ALICE
PO BOX 8
IONE, OR 97843

** Lessor **
HARPER, RICHARD E.
PO BOX 8
RIDGE RD
IONE, OR 97843

** Lessee **
CCJC, LLC
PO BOX 8
IONE, OR 97843

Contact: KODY THURGOOD at 503-986-0892

Reach: FROM POD TO THE MOUTH OF THE JOHN DAY RIVER

| Cert# | Permit | Priority | Use | Rate (cfs) | Duty (acf) | Source | Tributary to | Acres |
|-------|--------|------------|-----|------------|------------|------------|----------------|-------|
| 25214 | OR * | 12/31/1890 | IR | 1.2025 | 192.4 | ROCK CREEK | JOHN DAY RIVER | 48.1 |

Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before December 29, 2011. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

County: DESCHUTES
Transfer: 11320
Water Right: CERTS 67284, 36137
Priority Date: 1883
Name: DESCHUTES RIVER CONSERVANCY
Address: 700 NW HILL ST, BEND OR 97701
Change: POU, USE
Source: SQUAW CREEK

County: DESCHUTES
Transfer: 11321
Water Right: CERT 81663
Priority Date: 1883
Name: CITY OF SISTERS
Address: PO BOX 39, SISTERS OR 97759
Change: POU, USE
Source: SQUAW CREEK

Transfer Preliminary Determinations

A Preliminary Determination provides the Department's conclusion as to whether a proposed change in place of use, point of diversion or appropriation, or character of use of an existing water right should be approved. Changes of water rights may be proposed in an application for transfer (including instream, historic POD, exchange, substitution or ground water registration modification).

The Department has issued preliminary determinations on the transfer applications listed below. In addition to this notice, the Department is complying with ORS 540.520(2) that requires publication of notice in a local newspaper for all transfers except those proposing a change in place of use only or a change in point of diversion of less than ¼ mile where there are no intervening diversion points.

Any person may protest the application and preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-0900, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant and \$300.00 protest fee for applicant. A Water Right Transfer Protest Form is available at <http://www.oregon.gov/OWRD/PUBS/forms.shtml> or by calling 503-986-0888. Protests must be received by the Department on or before December 29, 2011, or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

T-10933 filed by River-Bend Sand and Gravel Co, PO Box 12095, Salem, OR 97309, proposes additional points of appropriation, change in place of use and change in character of use under Certificates 30302 and 83893. Certificate 30302 allows the use of 0.13 cubic foot per second (priority date March 19, 1953) from a well in Sec. 33, T 8 S, R 2 W, W.M. (Mill Creek Basin) for irrigation in Sec. 33. The applicant proposes additional points of appropriation approximately 1980 and 2425 feet from the existing point of appropriation within Sec. 33, T 8 S, R 2 W, W.M., to change the place of use within Sec. 33, T 8 S, R 2 W, W.M., and to change the character of use to storage for industrial and mining uses and pond maintenance. Certificate 83893 allows the use of 0.37 cubic foot per second (priority date May 21, 1981) from a well in Sec. 33, T 8 S, R 2 W, W.M. (Mill Creek Basin) for irrigation in Sec. 33. The applicant proposes additional points of appropriation approximately 1200 and 2425 feet from the existing point of appropriation within Sec. 33, T 8 S, R 2 W, W.M., to change the place of use within Sects. 33 and 34, T 8 S, R 2 W, W.M., and to change the character of use to industrial, manufacturing use, and mining. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

**Notice of Proposed Order on the
Potential for Cumulative Impacts of the
C-Drop Hydroelectric Project**

Comments and/or protests on this proposed order on the potential for cumulative impacts of the C-Drop Hydroelectric Project are requested from interested citizens, organizations, governmental entities, and other parties. The Department has determined that the impacts of this project are so small in extent, short-term or localized that there is no reasonable likelihood of cumulative impacts with other existing hydroelectric projects in the Klamath River, Lost River, or Swan Lake Basins. A consolidated review with other existing, approved, or proposed projects is NOT required. A contested case hearing on the public interest issues associated with the project shall be conducted in the near future.

Any person may file a protest to this order and request a contested case hearing within 30 days of issuance. A protest must be filed in writing and received at the Oregon Water Resources Department no later than 5 p.m. **January 3, 2012.** The petition must be accompanied by a fee of \$600.

The application and supporting documents can be viewed at the Water Resources Department, 725 Summer Street NE, Salem, Oregon 97301.

Comments and/or protests may be submitted in writing to the Oregon Water Resources Department, 725 Summer Street NE, Salem, Oregon 97301 by January 3, 2012.

Application for a Major Hydroelectric Project in Klamath County

| | |
|------------------|---|
| Application #: | PC 889 |
| Applicant: | Klamath Irrigation District |
| Address: | 6640 K.I.D. Lane, Klamath Falls, OR 97603 |
| Amount of water: | 550 cubic feet per second (priority date - June 3, 2009) 150 cubic feet per second (priority date - August 25, 2011) |
| Source of water: | “A” Canal diverted from Upper Klamath Lake |
| Location: | SW ¼ NE ¼ Section 19, Township 39 South, Range 10 East, W.M. |
| Purpose: | Hydroelectric power production at existing canal owned by the U.S. Bureau of Reclamation for irrigation purposes. |
| Plant Capacity: | 1790 THP |

For Further Information Contact: Mary Grainey 503-986-0833.

OREGON WATER RESOURCES DEPARTMENT



**725 Summer Street NE Ste A
Salem OR 97301**

PUBLIC NOTICE OF WATER USE REQUESTS

November 29, 2011

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number

(e.g. "Permit Application G-12345" or "Transfer T-1234"):
enclosed)*

Mail me the order
(payment

Your Name, Address, and Phone Number:

* We are required by law to charge a fee of \$20 to mail a copy of a proposed and final order on a pending water right application or permit extension to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$20 for each type of order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final order and final order are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)